

MONTANA ARMY NATIONAL GUARD (MTARNG) WITHDRAWAL AT LIMESTONE HILLS TRAINING AREA

PURPOSE OF THE BRIEFING DOCUMENT:

The Army Corps of Engineers has filed a partial application on behalf of the MTARNG and the Department of Defense/Army (DOA) to withdraw and segregate from mineral entry approximately 20,000 acres of BLM-administered land about three miles west of the Missouri River near Townsend in Broadwater County, Montana.

ISSUES:

The MTARNG has performed training exercises at the Limestone Hills since the 1950s. The use was authorized by special land use permits until 1984 when a 30-year right-of-way (ROW) was issued. Eighty-eight percent of the range is administered by the BLM, with the remainder under state and private ownership. Live fire training at the range has included helicopter, tank, artillery, mortar, and Bradley infantry vehicle gunnery. The types of weaponry ranged from small arms to 155 mm artillery, all of which have been fired into the impact area. Military training over the years has resulted in unexploded ordnance (UXO) contamination, particularly within the interior 5,000-acre impact area, though UXO has also been recovered outside that area. In 1993, the Army Corps of Engineers determined that the area south of the 2.75-inch rocket safety fan was "widely contaminated" with UXO. Based on BLM policy, the BLM Butte Field Office (BFO) implemented an emergency closure on the impact area. The MTARNG was also advised that its ROW for the range would not be renewed upon expiration in 2014, and the only way to assure its continued use of the area was through a withdrawal.

In 1981, the BLM permitted Continental Lime (now Graymont Western) to operate a limestone mine at the north end of the range. In 1992 and again in 1995, Graymont filed mining plan amendments resulting in approved expansions of its operations further into the rocket firing fan area. In an agreement facilitated by the Montana Consensus Council, the MTARNG has agreed to clear UXO from the expansion area so mining can continue under the current safety plan. The BFO recently reviewed a Safety, Health and Emergency Response Plan submitted by MTARNG that would allow Graymont to conduct exploratory drilling south of and into the rocket firing fan. The plan has been approved by Department of Defense Explosives Safety Bureau (DDESB). The DDESB must release the area for mining before the BLM can authorize exploration. Graymont is concerned that the current rate of UXO clearance may not meet its exploration needs. Graymont filed 36 additional claims in September 2003 and in early 2006 filed a plan of operations to expand farther south into the training range. Graymont has contracted with Geomatrix to complete the EIS for the expansion, with review oversight falling to the BLM and Montana Department of Environmental Quality. The Graymont Draft EIS is scheduled for release to the public in early spring 2008.

The proposed withdrawal would result in a BLM (federal agency) to DOA (federal agency) transfer of administration with land management falling to the MTARNG (state agency). The Montana State Historic Preservation Office (MTSHPO) has raised concerns about how Sec. 106 consultation will occur. The BLM has recommended that the MTARNG enter into a programmatic agreement with MTSHPO to address those concerns.

MAIN DECISION OR MESSAGE:

The BLM is a cooperating agency for the project legislative environmental impact statement (LEIS), which has been contracted by MTARNG to Tetra Tech based in Helena, Montana. Public scoping for the EIS has been completed, including a working group process. A notice of proposed withdrawal was published in the *Federal Register* on August 7, 2007. This notice closes the land for up to two years from settlement, sale, location or entry under the general land laws, including the mining laws. The land will remain open to mineral leasing. The draft LEIS has undergone a third and final internal review by BLM, National Guard Bureau, and the DOA. The notice of availability was published in the *Federal Register* and the draft document released for public review on July 19, 2007, with a 90-day comment period. Public meetings were held in Helena and Townsend on August 21 and 22, consecutively. Less than twenty comment letters were received, with the majority supporting Alternative 3, the agencies' (MTARNG and BLM) preferred alternative.

The final LEIS will result in BLM findings and recommendations to the Washington Office and Secretary of the Interior. The action will require an amendment of the Headwaters Resource Management Plan, but has been addressed in the Butte Draft RMP Revision.

In late June 2004, the MTARNG shared its proposed action at two public meetings and a stakeholder meeting. The proposal is for MTARNG to manage all lands and resources within the training range except minerals. Members of the public who attended the meetings expressed concern with the current proposal. In the fall of 2004, several stakeholder working group meetings were held which have resulted in an alternative to the proposed action that all parties can live with. That alternative will be analyzed in the LEIS.

BUREAU PERSPECTIVE:

Public interest is high. The withdrawal would affect PILT payments and recreationists/hunters, and could impact several grazing allotments depending on how the management plan for the firing range is structured after the EIS is completed. There is also potential for the validity of some of the mining claims to be affected by the withdrawal.

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